

I7JKHAMS

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 UNITED STATES OF AMERICA,

4 v.

15 CR 95 (AJN)

5 STEPHAN HAMILTON,

6 Defendant.

7 -----x

8 New York, N.Y.

9 July 19, 2018

11:05 a.m.

10 Before:

11 HON. ALISON J. NATHAN,

12 District Judge

13 APPEARANCES

14  
15 GEOFFREY S. BERMAN,

United States Attorney for the

16 Southern District of New York

RACHEL MAIMIN

17 Assistant United States Attorney

18 CHARLES O. LEDERMAN

Attorney for Defendant

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(Case called)

THE COURT: I'll take appearances of counsel, starting with the government.

MS. MAIMIN: Good morning, your Honor. Rachel Maimin, for the government.

THE COURT: Good morning, Ms. Maimin.

And for the defendant.

MR. LEDERMAN: Good morning, your Honor. Charles Lederman, White Plains, New York assigned counsel.

THE COURT: Good morning, Mr. Lederman.

And good morning, Mr. Hamilton.

THE DEFENDANT: Good morning.

THE COURT: We are here today for sentencing in United States versus Stephan Hamilton, 15 CR 95.

In preparation for today's proceeding, I have received the presentence report that was prepared and is dated July 12, 2018. I'll note that Mr. Hamilton did, at counsel's request, and confirmed by a declaration he submitted, seek expedited sentencing, so the presentence report was disclosed to the Court, and Mr. Hamilton, and the government on July 12, 2018, without an opportunity for a revision process. In any event, I do have that presentence report.

In addition, I have the following submissions: I have the defense submission, which is dated July 2, 2018. It has a few exhibits attached to it, which consist of letters from the

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1 grandmother of Mr. Hamilton, as well as a potential employer,  
2 and then I have the government's letter submission, dated  
3 July 17, 2018.

4 Counsel, is there anything else I should have in front  
5 of me for purposes of sentencing?

6 MS. MAIMIN: Not from the government.

7 MR. LEDERMAN: No, your Honor.

8 THE COURT: Okay.

9 Can you confirm that you have received each other's  
10 submissions, please?

11 MS. MAIMIN: Yes.

12 MR. LEDERMAN: I'll acknowledge receipt, Judge.

13 THE COURT: Thank you.

14 I will turn to the presentence report. Mr. Lederman,  
15 I know that you have, but for the record, have you reviewed the  
16 presentence report and discussed it with your client?

17 MR. LEDERMAN: Yes, I have, your Honor.

18 THE COURT: Mr. Hamilton, did you have an opportunity  
19 to review the presentence report?

20 THE DEFENDANT: No.

21 THE COURT: All right. Well, I suppose that's because  
22 you did waive your right to review the report in advance of  
23 sentencing under Rule 32.

24 MR. LEDERMAN: Your Honor, if I may clarify. I was  
25 able to discuss it with him in detail over the telephone --

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1 THE COURT: Could you pull down the microphone?

2 MR. LEDERMAN: I'm sorry, your Honor.

3 If I may clarify.

4 THE COURT: Go ahead.

5 MR. LEDERMAN: I was able to discuss the presentence  
6 report with Mr. Hamilton in great detail over the telephone.

7 THE COURT: Okay, all right. Thank you.

8 Mr. Hamilton, that's an accurate statement?

9 THE DEFENDANT: Yes.

10 THE COURT: Ms. Maimin, for the record, have you  
11 reviewed the presentence report?

12 MS. MAIMIN: Yes.

13 THE COURT: Counsel, setting aside for a moment the  
14 calculation of the sentencing guidelines, are there any  
15 objections to the report regarding factual accuracy?

16 MS. MAIMIN: Not from the government.

17 MR. LEDERMAN: Not from the defense, your Honor.

18 THE COURT: All right.

19 Hearing no objections, I will adopt the factual  
20 recitations set forth in the PSR. The report will be made a  
21 part of the record in this matter and placed under seal. If an  
22 appeal is taken, counsel on appeal may have access to the  
23 sealed report without further application to this Court.

24 Turning to the guideline calculation: As counsel is  
25 aware, I'm no longer required to follow the United States

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1 Sentencing Guidelines, but I am still required to consider the  
2 applicable guidelines in imposing sentence and must, therefore,  
3 accurately calculate the sentencing guideline range.

4 Before we turn to the departure question, I do want to  
5 just see if there are any objections to the PSR's calculation  
6 and analysis of the multiple-count indictment here. The  
7 analysis concludes that the adjusted offense level is 27,  
8 Mr. Hamilton's criminal history category is I. That would  
9 produce a guideline range of 70 to 87 months. However, there  
10 is an applicable mandatory minimum term of imprisonment here of  
11 20 years total, which is higher than the high end of the  
12 guideline range, so pursuant to 5G1.2(b), the guideline  
13 sentence of 20 years, which is 120 months on Count Two and 120  
14 months to be served consecutively on Count Three, but pursuant  
15 to 5G1.2(b), that guideline sentence of 240 months is the  
16 guideline sentence according to the calculation in the PSR.

17 Are there any objections to the PSR's calculation of  
18 the applicable guideline range?

19 MS. MAIMIN: Not from the government.

20 MR. LEDERMAN: No, your Honor.

21 THE COURT: I know, Mr. Lederman, you make an argument  
22 in your paper as to minimal role. I gather that, even  
23 accepting that, it has no bearing on the ultimate calculation?

24 MR. LEDERMAN: Yes, your Honor.

25 THE COURT: All right. Thank you.

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1           Hearing no objection, and based on my independent  
2 calculation of the guideline range, using the November 1, 2016  
3 edition of the sentencing guidelines, I do find that the  
4 guideline sentence here is 240 months.

5           Turning to departures: Ms. Maimin, I presume the  
6 government has a motion?

7           MS. MAIMIN: Yes, your Honor. We respectfully move  
8 the Court at this time to sentence the defendant in light of  
9 the factors set forth in Section 5K1.1 of the sentencing  
10 guidelines.

11           THE COURT: I'll discuss the details of the factors  
12 more when I come to my sentencing conclusion, but based on the  
13 government's letter, the information provided there, and my own  
14 observations of Mr. Hamilton during his testimony, I do grant  
15 the government's motion, and will depart pursuant to 5K1.1, and  
16 will sentence Mr. Hamilton without being bound by the otherwise  
17 applicable mandatory minimum sentence, as well as below the  
18 guideline sentence.

19           With that, as to what a reasonable sentence is for  
20 Mr. Hamilton, in light of both the 5K1.1 factors as well as the  
21 3553(a) factors, I'll hear from counsel. Ms. Maimin?

22           MS. MAIMIN: Your Honor, I just want to highlight a  
23 few points from our submission.

24           It was unusually difficult in this case to convince  
25 people to cooperate with the government. While, obviously, we

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1 were able to have a number of people sign cooperation  
2 agreements in this case, the norm of this gang against  
3 cooperation with law enforcement, even meeting with us, even if  
4 you remained silent during a meeting with us and hear us out,  
5 was so strong, that we were unable to essentially have the  
6 number of the cooperation witnesses that we normally do.

7            Luckily, there were defendants or potential witnesses,  
8 such as Mr. Hamilton, who were willing to do the right thing,  
9 to come forward, take full responsibility for their crimes,  
10 including a number of serious crimes about which we did not  
11 know before, and that had a meaningful impact on this case in a  
12 number of ways. I discussed them in the letter, but I want to  
13 note, the defendant came in before he was charged in this case.  
14 A lot of times when we approach someone who hasn't been charged  
15 yet with the possibility of cooperating, they would tell us to  
16 pound sand, come back when you actually do charge us, and while  
17 we eventually do follow through with that and charge, that  
18 gives that person less of a meaningful opportunity to  
19 cooperate. Here, by contrast, because Mr. Hamilton started  
20 cooperating so soon after the takedown in this case, he was  
21 able to have an extremely important impact on plea discussions  
22 in this case. And I want to give specific examples.

23            For instance, as I mentioned in the letter,  
24 Mr. Hamilton was roughly part of a subset of the gang that  
25 committed crimes, armed robberies in Westchester County. We

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1 knew about crimes for which Mr. Hamilton or the others had been  
2 arrested, but Mr. Hamilton was able to tell us about a number  
3 of armed robberies that were never reported to the police, and,  
4 because of that, we were able to convince a number of those  
5 defendants to plead guilty and avoid having this Court or the  
6 government expend additional resources on trial.

7 He also helped us make fair offers to people in terms  
8 of drug weights. As the Court is aware, we tried to have a  
9 hierarchy of drug weights in this case, so that people who sold  
10 the same amount of crack would be held accountable and relative  
11 to people who sold more or less. Because of witnesses like  
12 Mr. Hamilton, we were able to make fair offers to place people  
13 properly in the hierarchy of the drug-dealing in this case, so  
14 that they were held to the right amount, quantity of drugs, no  
15 more and no less than would be fair.

16 Mr. Hamilton also had the opportunity to testify at  
17 two different trials in this case. He prepared assiduously for  
18 the trials. Never once, in any proffer with Mr. Hamilton --  
19 and I participated in dozens of them -- not every single one,  
20 but dozens of them -- was there a question about his telling  
21 the truth. Everything he said was matched by the other  
22 testimony in the case. And even though he was admitting to  
23 crimes that we did not previously know about, and even though  
24 he's quite young, and it's a complicated thing to get involved  
25 in cooperating with the government and committing to pleading



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1 guilty to such serious crimes without any promise of leniency  
2 at sentencing, he was totally honest and forthcoming about his  
3 crimes.

4           The Court will recall in the Carletto Allen trial,  
5 Mr. Hamilton's testimony was key on at least two points.  
6 Number one, the link to BMB -- the link between Mr. Allen's  
7 drug-dealing and BMB was really supplied solely by  
8 Mr. Hamilton, and had the jury not believed Mr. Hamilton, I  
9 don't see how Mr. Allen could have been convicted of  
10 racketeering conspiracy. There was other evidence, but his  
11 evidence was critical. He also provided important evidence  
12 that Mr. Allen was a wholesale dealer of marijuana, contrary to  
13 Mr. Allen's testimony on the stand, and, indeed, this Court  
14 found that Mr. Allen had perjured himself.

15           I didn't handle the Tyrell trial, but I have spoken to  
16 the prosecutors who did, and I understand that Mr. Hamilton's  
17 testimony was equally truthful and compelling there, where the  
18 stakes were even higher. It was a murder case, and for some  
19 reason in that case, members of BMB, who were either in jail  
20 when our takedown happened or who had already been released  
21 through sentences, came out en masse to support Mr. Tyrell and  
22 were hissing and heckling Mr. Hamilton. I believe he was the  
23 first cooperator to testify, perhaps even on the first day of  
24 trial, and he managed to handle that without losing his  
25 composure, continuing to be respectful, not only to the

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1 government lawyers, but to the defense lawyers.

2 I believe that all of this speaks to a person who  
3 understands the extreme gravity of his crimes, is remorseful,  
4 and is committed to changing his ways. His crimes are  
5 extremely serious. He was not a low-level person in this gang.  
6 There is no way in the world we would ever characterize him as  
7 having a minor role or having agreed to a plea agreement with a  
8 minor-role deduction, but the cooperation that he has provided,  
9 his demeanor, and truthfulness, both in proffers, and on the  
10 stand, and his commitment, I believe, to living with his  
11 grandmother, getting a law-abiding job, and getting out of the  
12 Bronx, I think it all speaks to someone who merits significant  
13 consideration at sentencing.

14 THE COURT: All right. Thank you.

15 Mr. Lederman?

16 MR. LEDERMAN: Judge, I'll keep it short. I met  
17 Mr. Hamilton a day or two after his 18th birthday, and since  
18 then, we've done everything we can to get him to own up  
19 responsibility for what he had done so far before that and to  
20 do the right thing since. All I can say at this point is, I'll  
21 rely on the filings by the government and myself and the  
22 Court's decision.

23 THE COURT: What is time served at this point?

24 MS. MAIMIN: Your Honor, the defendant has been in  
25 jail on this case or related conduct since February 2, 2016.

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1 THE COURT: So we'll both do the math and see who gets  
2 there first.

3 MS. MAIMIN: I believe it is approximately two years,  
4 five months, and 17 days.

5 THE COURT: Okay.

6 My only question -- maybe it's for both counsel, but  
7 I'll start with Ms. Maimin because she suggested it. The only  
8 hesitation I have, though this will obviously be a very  
9 substantial departure, I think, is the question of  
10 remorsefulness. I didn't see that in the trial testimony with  
11 respect to Mr. Allen. I saw a very forthcoming, honest,  
12 obviously useful witness in Mr. Hamilton. I remember, in  
13 particular, a moment when defense counsel asked: "Wouldn't  
14 lying help you out here?" And I think Mr. Hamilton's response  
15 was: "If lying helped me out here, I would lie. It won't, and  
16 so I'm telling the truth," which was a very powerful moment, I  
17 think, for the jury, but, also, it did suggest, I think,  
18 Mr. Hamilton's just honest realization of where he is and what  
19 his position is.

20 I do look, as you know, in this case and others, to  
21 see a sense of remorsefulness and a sense of commitment to  
22 rehabilitation. So I'll ask both counsel: Aside from the  
23 cooperation, which is obviously hugely significant, what would  
24 I look to to have a sense of confidence as to that?

25 MS. MAIMIN: First of all, while, obviously, he is not

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1 required to, I do expect Mr. Hamilton will address your Honor  
2 today. At least during the Allen trial -- and I'm guessing it  
3 was even worse during the Tyrell trial -- Mr. Hamilton was in a  
4 true state of terror before testifying. So, to the extent any  
5 emotions of remorse did not come through, I think it was, in  
6 part, because of that. But he has been extremely emotional in  
7 proffers. He has wept on a number of occasions about the  
8 situation he finds himself in, not just that he got caught, but  
9 what he has put his family through and fears for his future.  
10 Looking towards the practical side, he does have a plan for  
11 when he gets out. And I think that you have to have a certain  
12 amount of hope for yourself and a plan to lead a law-abiding  
13 life. You have to have that in order to succeed, and I believe  
14 that Mr. Hamilton and his lawyer have stated, he's going to  
15 live with his grandmother in Rockland County, nowhere near the  
16 Bronx, and he is going to get a job. Mr. Hamilton is desperate  
17 for his freedom. I think that that is why he made that  
18 statement in court. He's just not capable of lying, so when  
19 asked a question, he just told the truth, but I don't think  
20 that means that he is necessarily going to be a menace to  
21 society. I have told Mr. Hamilton that it's very important  
22 that we never, ever see him again after this. I believe he  
23 understands that. And I hope that he will be less anxious  
24 today and more able to speak directly to your Honor about the  
25 remorse question.

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1 THE COURT: Thank you.

2 Mr. Lederman?

3 MR. LEDERMAN: Your Honor, if I may, from the first  
4 time I met Mr. Hamilton, we have been discussing ways to  
5 extricate him from the neighborhood he grew up in and where he  
6 got himself into all of this trouble.

7 Unfortunately, he had this very difficult childhood,  
8 and without going into great detail about it, what we have been  
9 trying to do is look for ways -- he's been very anxious to go  
10 up and start over with his grandmother up in Rockland County,  
11 get a job. We also were looking at other things. He was even  
12 talking about trying to get a waiver to join the military  
13 because he's so young, and he didn't have any state charges  
14 before this. There was a possibility.

15 Like Ms. Maimin said, we've been looking forward to  
16 the future, and all of that has been with the -- under the  
17 guise of getting him out of -- he doesn't want to be where he  
18 grew up, he wants to get out of there. So that's all we can  
19 tell you, but I'm sure Mr. Hamilton has something that he wants  
20 to say to you as well.

21 THE COURT: All right. I'm happy to hear that.

22 Thank you, Mr. Hamilton. As you know, you're not  
23 required to make a statement, sir, but you're welcome to if  
24 you'd like to.

25 THE DEFENDANT: I just want to say this is more of a

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1 life-changing situation for me. At the time I was young  
2 committing crimes, and I apologize for my criminal acts, to the  
3 victims, and I'm just ready to prove everybody wrong, my  
4 family, and to show them that I can do it, and I can succeed,  
5 and I can finish school. When I leave here, or if I leave,  
6 when I do get released in the future, I'm going out to my  
7 grandmother's house, spend time with my mother, she's diagnosed  
8 with schizophrenia, and she doesn't even know I'm locked up  
9 right now. So it's kind of hard on me. And they have a job  
10 ready for me, but they providing me with a job at Burger King,  
11 and I am ready to go back to trade school, and learn a trade,  
12 and finish getting my GED, and I just want to thank my lawyer  
13 for giving me a good option, persuading me to cooperate, and I  
14 want to thank the government for giving me a chance to  
15 cooperate, because this is just a life-changing thing. If I  
16 would never have had this chance, there's no telling where my  
17 life would have been going right now. And I just wanted to say  
18 thank you.

19 THE COURT: Thank you, Mr. Hamilton.

20 Counsel, anything else I should consider, any reason  
21 why sentence should not be imposed at this time?

22 MS. MAIMIN: Not from the government.

23 MR. LEDERMAN: No, your Honor.

24 THE COURT: As I've stated, the otherwise applicable  
25 guideline range in this case would be 240 months' imprisonment,

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1 but I will, as I indicated, based on 5K1.1, sentence  
2 Mr. Hamilton without regard to the otherwise applicable  
3 mandatory minimum sentence and without being bound by that  
4 guideline sentence.

5 In any event, under the Supreme Court's decision in  
6 Booker and its progeny, the guideline range is only one factor  
7 the Court must consider in deciding the appropriate sentence.  
8 I'm also required to consider the other factors set forth in  
9 18, U.S.C., Section 3553(a). These include the nature and  
10 circumstances of the offense and the history and  
11 characteristics of the defendant, the need for the sentence  
12 imposed to reflect the seriousness of the offense, to promote  
13 respect for the law, and to provide just punishment for the  
14 offense, to afford adequate deterrence to criminal conduct, to  
15 protect the public from further crimes of the defendant, and to  
16 provide the defendant with needed education or vocational  
17 training, medical care, or other treatment.

18 I am to take into account the kinds of sentences  
19 available; as I've said, the guideline range; any pertinent  
20 policy statement; and the need to avoid unwarranted sentence  
21 disparities among defendants with similar records who have been  
22 found guilty of similar conduct. I am required to impose a  
23 sentence sufficient, but no greater than necessary, to comply  
24 with the purposes that I have just described.

25 I have given substantial thought and attention to the

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1 appropriate sentence in this case in light of the 3553(a)  
2 factors and the appropriate purposes of sentencing, as  
3 reflected in that statute. I do begin by making clear that  
4 Mr. Hamilton stands convicted of very serious offenses, and,  
5 specifically, he pled guilty to his involvement in the BMB gang  
6 conspiracy. In that capacity, he sold drugs, including crack  
7 cocaine, and participated in violent crimes, including  
8 robberies and multiple shootings. BMB is, as we know, a  
9 violent street gang that operated in the Bronx. Members and  
10 associates trafficked in narcotics, including crack cocaine,  
11 marijuana, prescription pills. It also kept firearms and  
12 engaged in acts of violence, including shootings, stabbings,  
13 and gang assaults. BMB has a violent cultural norm against  
14 snitching and cooperating.

15           Given Mr. Hamilton's membership in BMB and the violent  
16 conduct he engaged in in furtherance of the conspiracy, serious  
17 punishment is warranted in order to deter Mr. Hamilton and  
18 others, reflect the seriousness of the offense, promote respect  
19 for the law, and provide just punishment for the offense.

20           There can be no discussion of the appropriate sentence  
21 here without sustained focus on Mr. Hamilton's extraordinary  
22 cooperation. For each 5K1.1 factor, Mr. Hamilton stands out  
23 for his cooperation. His information was significant, it was  
24 useful, it was truthful, complete and reliable, it was timely  
25 provided, and it came at great risk to himself. But those



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1 generic descriptions do not capture the critical role played by  
2 Mr. Hamilton. I want to make just a few detailed observations  
3 in this regard.

4 First, I witnessed Mr. Hamilton testify in the trial  
5 of Carletto Allen. He was extremely forthcoming and honest,  
6 and he was, as Ms. Maimin noted, critical to the jury's  
7 determination of Mr. Allen's involvement, membership  
8 involvement, association with BMB, as well as the quantity of  
9 drugs that were sold. If the jury did not believe  
10 Mr. Hamilton, it is likely the case that they would have  
11 concluded differently than they did, and it's not surprising to  
12 me that the jury believed Mr. Hamilton. He was, I think,  
13 obviously honest in his testimony throughout trial, and, by all  
14 accounts, that was the case in the other trial in front of  
15 Judge Rakoff, in which Mr. Hamilton provided extensive  
16 testimony despite circumstances that were, no doubt,  
17 frightening and intimidating.

18 Second, as the government's 5K letter makes clear,  
19 much of what is known about the details of BMB and, therefore,  
20 the successful prosecution in this case of over 60 individuals  
21 turned in significant measure on information provided by  
22 Mr. Hamilton. His efforts fundamentally aided the government  
23 in this critical law enforcement effort and no doubt has made  
24 the community, otherwise ravaged by BMB, safer.

25 Third, much of what the government knows about

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1 Mr. Hamilton's own crimes came through his own truthful  
2 proffers. Mr. Hamilton's very substantial otherwise applicable  
3 guideline range is primarily the result of the truthful  
4 inculpatory information he provided to the government.

5 And, lastly, I'll note what while almost every  
6 cooperator puts himself at some level of risk, Mr. Hamilton  
7 faced enormous risk in light of the violent and retaliatory  
8 nature of BMB. As noted, the gang has a well-known norm  
9 against snitching, and information from gang members was not  
10 forthcoming. Mr. Hamilton's cooperation was obviously  
11 critical, and he provided it in the face of grave risk to  
12 himself and family members.

13 In addition to these factors, I do take into account  
14 the history and characteristics of the defendant. He has faced  
15 substantial difficulties in his young life. I'm encouraged by  
16 his early plans toward rehabilitation and reentry that include  
17 a plan to live not in the area where this gang thrived, but in  
18 Rockland County with his grandmother, and the prospect of a  
19 job. I also note that Mr. Hamilton is young, he's obviously  
20 intelligent, and I believe that with drug rehabilitation, job  
21 training, and education, I believe his future is promising.

22 For all of these reasons, I do conclude that the time  
23 Mr. Hamilton has served in custody, which is approximately 125  
24 months, coupled with a significant term of supervised release,  
25 is sufficient, but no greater than necessary, to meet the

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1 purposes of punishment I earlier described.

2 Mr. Hamilton, I'll now formally state the sentence.  
3 I'll ask you to please rise, sir.

4 It is the judgment of this Court that you be sentenced  
5 to time served, to be followed by five years of supervised  
6 release.

7 You may be seated, sir.

8 During your term of supervised release, the standard  
9 conditions of supervision shall apply. In addition, you will  
10 be subject to the following mandatory conditions: You must not  
11 commit another federal, state, or local crime; you must not  
12 unlawfully possess a controlled substance; you must refrain  
13 from any unlawful use of a controlled substance. I'm going to  
14 impose a special condition regarding drug testing and  
15 treatment. You must cooperate in the collection of DNA, as  
16 directed by the probation officer. As I said, those are the  
17 mandatory conditions.

18 The standard conditions of supervision, which are  
19 outlined on pages 35 through 36 of the PSR, also apply, and, in  
20 addition, you'll be subject to the special conditions also  
21 outlined on page 36 of the PSR. Specifically, you must submit  
22 your person, residence, place of business, vehicle, and any  
23 property or electronic devices under your control to a search  
24 on the basis that the probation officer has reasonable  
25 suspicion that contraband or evidence of a violation of the

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1 conditions of supervised release may be found, and that search  
2 must be conducted at a reasonable time and in a reasonable  
3 manner. Failure to submit to a search may be grounds for  
4 revocation of your supervised release.

5 I'm also imposing the special condition that you  
6 participate in an outpatient treatment program approved by the  
7 United States Probation Office, which may include testing to  
8 determine whether you have reverted to using drugs or alcohol.  
9 And you must also participate in a cognitive behavioral  
10 treatment program under the guidance and supervision of the  
11 probation officer. I do recommend that you be supervised in  
12 your district of residence.

13 I won't go through all of the standard conditions --  
14 those are outlined -- but one of them is that you seek  
15 employment. I will check in on that, Mr. Hamilton, to make  
16 sure that you have the resources you need to gain employment  
17 and to make sure that you are employed during your period of  
18 supervised release, unless you're in school and, therefore,  
19 excused from employment.

20 I'm going to waive the fine, because I don't believe  
21 that you have the ability to pay the fine. I am imposing a  
22 mandatory special assessment of \$100 per count, so \$300 total,  
23 which shall be due immediately.

24 Does either counsel know of any legal reason why this  
25 sentence shall not be imposed as stated?

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1 MS. MAIMIN: No, your Honor.

2 MR. LEDERMAN: Your Honor, I couldn't hear so well  
3 when you said the \$300 is due?

4 THE COURT: Immediately. It's the mandatory special  
5 assessment of \$100 per count.

6 MR. LEDERMAN: Is there any way, Judge, that that can  
7 be converted to a judgment or something? I don't know that  
8 Mr. Hamilton has the resources.

9 THE COURT: I don't believe so. It is a statutorily  
10 mandatory assessment of \$100 per count.

11 Ms. Maimin, do you have any information on what  
12 happens in the event that he doesn't have the funds?

13 MS. MAIMIN: I mean, he's not going to be kept in  
14 prison. I will look into it.

15 THE COURT: Okay.

16 MR. LEDERMAN: If I may share with the Court, at least  
17 in state courts, it's easy for us to convert to a judgment. I  
18 don't know how it works here.

19 THE COURT: You'll look into that, and if you'd like  
20 to make an application to the Court, feel free to submit it.

21 MR. LEDERMAN: Thank you, your Honor.

22 THE COURT: There's -- I believe a payment plan can be  
23 worked out, but it is a mandatory assessment.

24 MR. LEDERMAN: Thank you.

25 THE COURT: Thank you.

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1 Anything else, Mr. Lederman?

2 MR. LEDERMAN: No, your Honor.

3 THE COURT: The sentence as stated is imposed. I do  
4 find the sentence is sufficient, but not greater than  
5 necessary, to satisfy the sentencing purposes that I described  
6 earlier.

7 Mr. Hamilton, upon release, you will have the guidance  
8 and support of the probation department as you reestablish your  
9 day-to-day life during your period of supervision. I do urge  
10 you to take advantage of the resources that probation provides,  
11 including helping with job training and placement and helping  
12 you find your employment, so do take advantage of those  
13 resources. The folks in probation are committed to helping you  
14 succeed.

15 That said, I have to caution you, you must comply  
16 strictly with all of your conditions of supervised release. If  
17 you are brought back before me for a violation of those  
18 conditions, I may sentence you to another term of imprisonment,  
19 and I hope and expect you won't put me to that decision.

20 Are there any remaining counts or underlying times?

21 MS. MAIMIN: No, your Honor.

22 THE COURT: Mr. Hamilton, I see no basis for an  
23 appeal, but I am required to inform you of your appellate  
24 rights. To the extent that you have not given up your right to  
25 appeal your conviction and your sentence through your plea of

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1 guilty and the agreement that you entered into with the  
2 government in connection with that plea, you have the right to  
3 appeal. If you're unable to pay the cost of an appeal, you may  
4 apply for leave to appeal in forma pauperis, meaning you don't  
5 have to pay any filing fee. The notice of appeal must be filed  
6 within 14 days of the judgment of conviction.

7 The remaining issue to discuss, counsel, is the ending  
8 of delayed docketing and unsealing of the case?

9 MS. MAIMIN: Yes, your Honor. We respectfully request  
10 that the Court end delayed docketing and unseal all the docket  
11 entries in this case.

12 THE COURT: Okay.

13 MR. LEDERMAN: I have nothing to add, your Honor.

14 THE COURT: The case is hereby ordered unsealed, which  
15 will enable the filing of the judgment, and in light of  
16 Mr. Hamilton's public testimony, his cooperation is known, and  
17 so I see no reason to maintain the sealed documents in this  
18 case.

19 I have signed an order indicating that Mr. Hamilton  
20 has been sentenced to time served, which I'll give to my deputy  
21 for copies to the marshals.

22 Counsel, is there anything else that I can address at  
23 this time?

24 MS. MAIMIN: Not from the government. Thank you.

25 MR. LEDERMAN: No, your Honor. Thank you.

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1 THE COURT: Mr. Hamilton, good luck to you, sir.

2 THE DEFENDANT: Thank you.

3 THE COURT: We are adjourned.

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